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CITY OF SACRAMENTO

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Attorneys for the CITY OF SACRAMENTO

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO HOMELESS UNION, a
local of the CALIFORNIA HOMELESS
UNION/STATEWIDE ORGANIZING
COUNCIL, on behalf of itself and those it
represents; BETTY RIOS; DONTA
WILLIAMS; FALISHA SCOTT and all
those similarly situated,

Plaintiffs,

vs.

COUNTY OF SACRAMENTO, a political
subdivision of the State of California; CITY
OF SACRAMENTO, a municipal
corporation; and DOES 1 – 100,

Defendants.

Case No.: 2:22-cv-01095-TLN-CSK

JOINT STATUS REPORT

Pursuant to the Court's orders dated May 29, 2024 (ECF No. 82) and July 2, 2024 (ECF No. 86), the parties hereby submit their joint status report.

(a) Name of Parties and Counsel:

Defendant COUNTY OF SACRAMENTO is represented by Janice M. Snyder of the Sacramento County Counsel's Office.

Defendant CITY OF SACRAMENTO is represented by Gökalp Y. Gürer of the Sacramento City's Attorney's Office.

Plaintiff SACRAMENTO HOMELESS UNION is represented by Anthony D. Prince, General Counsel for California Homeless Union Statewide Organizing Council; Law Offices of Anthony D. Prince and Andrea M. Henson of "Where Do We Go" (Formerly, "Where Do We Go Berkeley."

(b) Summary of Facts:

Plaintiffs bring this action against the County and City for purported civil rights violations. With their complaint, plaintiffs request that this Court issue both a mandatory and a prohibitory injunction to force defendants to take certain action and refrain from other action concerning plaintiffs and other unhoused individuals relating to extreme heat.

(c) Service of Process:

All defendants have been served and have answered.

(d) Joinder of Additional Parties:

The parties do not currently anticipate adding additional parties.

(e) Amendment of Pleadings:

Defendants do not currently anticipate amending the pleadings.

Plaintiffs may seek leave to amend their complaint depending on the outcome of settlement discussions.

(f) Jurisdiction and Venue:

This Court has jurisdiction under 28 U.S.C sections 1331 and 1343.

(g) Anticipated Motions and Scheduling:

Defendants anticipate filing a motion to stay pending the Ninth Circuit appeal.

1 Plaintiffs anticipate filing a motion to re-open discovery on a limited basis. Plaintiffs
2 anticipate filing appropriate motions to expedite trial based on the continuing risk to their
3 health, safety and lives posed by the City's ongoing policy of hearing homeless encampment
4 during excessive heat. Plaintiffs may file motions for injunctive relief should forecasts indicate
5 excessive heat.

6 (h) Anticipated Discovery and Scheduling:

7 Defendants anticipate being ready for trial within six months from the Ninth Circuit's
8 ruling on the appeal.

9 Plaintiffs anticipate being ready for trial in six months.

10 (i) Scheduling of Future Proceedings:

11 Defendants propose that the dates for the final pre-trial conference and trial be set six
12 months from the Ninth Circuit's ruling on the appeal.

13 Plaintiffs propose the following dates for future proceedings and discovery: fact discovery
14 cut-off on October 1, 2024; (b) expert discovery cut-off on November 14, 2024; dispositive
15 motion filing deadline on December 10, 2024; final pre-trial conference on December 23, 2024;
16 trial on January 20, 2025.

17 (j) Appropriateness of Special Procedures:

18 None from defendants.

19 Plaintiffs anticipate moving for procedures and appropriate court orders during the
20 pendency of trial that will protect them from the conduct challenged in this lawsuit.

21 (k) Demand for Jury Trial:

22 All parties have demanded a jury trial.

23 (l) Estimate of Trial Time:

24 Defendants estimate ten days.

25 Plaintiffs estimate two to three weeks.

26 (m) Modification of Standard Pretrial Procedures:

27 None from defendants.

28 Plaintiffs may seek modifications that will facilitate the earliest practical trial date possible.

1 (n) Related Cases:

2 This Court's order dated August 16, 2023, is currently on appeal before the United States
3 Court of Appeal for the Ninth Circuit, Case No. 23-16123. **Because the Ninth Circuit has yet**
4 **to rule on the City's motion for reconsideration, the City hereby requests this matter be**
5 **stayed pending the outcome of the appeal.** If ordered by the Court to do so, the City will file
6 a motion to stay.

7 Plaintiffs add that on March 15, 2024, one day after oral argument, the panel dismissed
8 the City's appeal as moot. The Ninth Circuit has not yet ruled on the City's motion for
9 reconsideration by the panel or, in the alternative, *en banc* review. Given the grave subject
10 matter of this litigation and, as the City itself argued at the Ninth Circuit, the likelihood of the
11 persistence of the issues presented, Plaintiffs strongly oppose the City's request that this matter
12 be stayed pending the outcome of the City's appeal to the Ninth Circuit.

13 (o) Settlement:

14 The parties are engaged in settlement negotiations and are willing to attend a settlement
15 conference.

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1 (p) Other Matters:

2 None.

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4 DATED: July 16, 2024

SUSANA ALCALA WOOD,
City Attorney

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6
7 By: _____/s/

8 **GÖKALP Y. GÜRER**
Senior Deputy City Attorney

9 Attorneys for the
10 CITY OF SACRAMENTO

11
12 DATED: July 16, 2024

LISA A. TRAVIS,
County Counsel

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14
15 By: _____/s/

16 **JANICE M. SNYDER**
Assistant County Counsel

17 Attorneys for the
18 COUNTY OF SACRAMENTO

19
20 DATED: July 16, 2024

LAW OFFICES OF ANTHONY PRINCE

21
22 By: _____/s/

23 **ANTHONY PRINCE**

24 Attorney for all plaintiffs